No. 126, Original

IN THE SUPREME COURT OF THE UNITED STATES
October, 1998 Term

STATE OF KANSAS,

Plaintiff,

vs.

STATE OF NEBRASKA and STATE OF COLORADO,

Defendants.

COLORADO'S ANSWER TO NEBRASKA'S COUNTERCLAIMS

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The State of Colorado, in response to the State of Nebraska's counterclaims against Kansas, to the extent the counterclaims impact Colorado, states as follows:

1. Colorado admits the allegations of paragraph 1 of the counterclaim.

2. Colorado admits the allegations of paragraph 2 of the counterclaim as they relate to the laws of Colorado. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 regarding laws in Kansas or Nebraska, and therefore denies the same. To the extent paragraph 2 cites the Compact, the Compact speaks for itself.

3. Colorado denies the allegations of the first sentence of paragraph 3. Colorado admits the second and fourth

sentence. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third and fifth sentences, and therefore denies the same.

4. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4, and therefore denies the same.

5. Colorado admits the allegations of the first and second sentence of paragraph 5 of the counterclaim. Colorado is without knowledge or information sufficient to form a belief as to the truth of the third sentence contained in paragraph 5 regarding laws in Kansas or Nebraska, and therefore denies the same.

6. Colorado admits the allegations of paragraph 6.

7. Colorado denies the allegations of paragraph 7.

8. Colorado admits the allegations of the first, second, and fifth sentences of paragraph 8. To the extent paragraph 8 cites the Compact, the Compact speaks for itself.

9. Colorado admits that the Compact Administration adopted Compact Formulas to compute the annual virgin water supply and beneficial consumptive use of waters in the Republican River. As to the remaining allegations of paragraph 9, Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same. To the extent paragraph 9 interprets the Compact and the Compact Formulas, the documents speak for themselves.

10. Colorado denies the allegations in paragraph 10.

11. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11, and therefore denies the same.

12. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph 12, and therefore denies the same.

13. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph 13, and therefore denies the same.

14. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14, and therefore denies the same.

15. The Compact speaks for itself.

16. No response is necessary.

17. The Compact speaks for itself.

18. No response by Colorado is necessary, and Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph 18, and therefore denies the same.

19. No response by Colorado is necessary, and Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph 19, and therefore denies the same.

20. No response is necessary.

21. The Compact speaks for itself.

22. No response is by Colorado is necessary, and Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22, and therefore denies the same.

23. No response by Colorado is necessary, and Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph 23, and therefore denies the same.

24. No response is necessary.

25. Colorado admits the allegation of paragraph 25.

26. Colorado denies the allegation of paragraph 26.

WHEREFORE, the State of Colorado respectfully requests the Court:

a) decline to issue a declaratory judgment pursuant to 28 U.S.C. § 2201; and

b) Grant such costs and expenses, including reasonable attorney fees, to Colorado as allowed by law or as the Court deems just and proper.

Respectfully submitted this 14th day of May, 1999.

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